

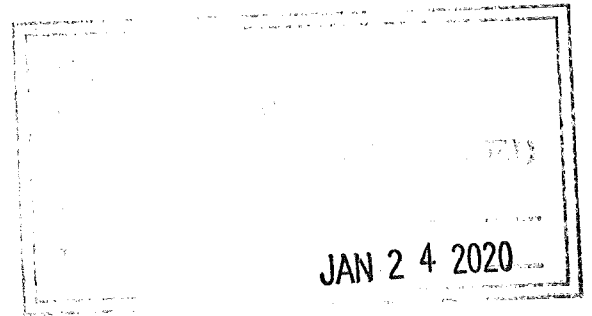
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America,

—v—

John Thompson,

Defendant.



13-cr-378 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

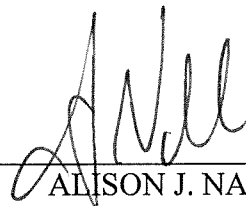
On January 16, 2020, the Court received a filing from Defendant titled “Objection[s] to Court Order Dated Dec. 9, 2019 or Findings and Order of United States District Court Judge.” Dkt. No. 166. The Court construes this as a motion for reconsideration of its December 9, 2019 order denying his Rule 35(a) motion as untimely. Defendant’s principle objection appears to be that the Court denied his motion without waiting for a response from the Government. However, the Court is well within its authority to deny a *pro se* motion without waiting for opposition when the motion is “frivolous on its face or wholly insubstantial.” *Cf. Moorish Science Temple, Inc. v. Smith*, 693 F.2d 987, 990 (2d Cir. 1982). The Rule 35(a) motion was clearly untimely, and the Court did not need to wait for a response from the Government before denying it. Defendant’s motion for reconsideration is therefore denied.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

Chambers will mail a copy of this Order to Defendant and note its mailing on the docket.

SO ORDERED.

Dated: January 23, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Allison J. Nathan", written over a horizontal line.

ALLISON J. NATHAN
United States District Judge